

RESPONSE AND REQUEST FOR RECONSIDERATION

Please enter the amendments as shown. Applicants have amended claim 1 and 16. Claim 1 has been amended to limit the water content of the fuel composition to an amount up to 0.3% by weight. Support for the amendment to claim 1 can be found in Table 3 of the specification. It is requested that the Examiner reconsider the present application in view of the above amendments and the following remarks.

The abstract of the disclosure is objected to because Applicant makes improper use of legal phraseology, "comprises" in the abstract. Applicants have amended the abstract to comply with the necessary requirements found in the MPEP. Accordingly, it is respectfully submitted that the objection should be withdrawn.

Claims 1 and 15 have been objected to because of minor informalities. The Applicants have corrected these minor informalities. Accordingly, it is respectfully submitted that the objection should be withdrawn.

Claims 16 and 17 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Applicants have amended Claim 16 to comply with the requirements of 35 U.S.C. 112, second paragraph. Accordingly, it is respectfully submitted that the rejection to Claim 16 and 17 should be withdrawn.

Claims 1-2 and 4-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Filippini et al (U.S. Patent Number 6,913,630) in view of Hawley's Condensed Chemical Dictionary 13th Ed. and Wenzel (U.S. Pre-Grant Publication Number 2003/0033748). Additionally, Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Filippini, Hawley's, Wenzel and Barbour et al (U.S. Pre Grant Publication Number 2004/0068922). Applicants respectfully traverse these rejections.

The Examiner maintains that Filippini discloses a liquid hydrocarbon fuel having ethanol and an emulsifier, which is a type of surfactant as note by Hawley's. The Examiner also maintains that Wenzel discloses the use of aqueous or water-soluble alcohols. The Examiner then concludes it would have been obvious to one of ordinary skill in the art to add the specific type of ethanol as disclosed by Wenzel into Filippini's fuel composition to yield a fuel composition which exhibits improved combustion while reducing smoke, particulates and toxic and noxious gases.

Applicants have amended Claim 1 to limit the water content of the fuel composition to an amount up to 0.3% by weight. Applicants' claimed invention is directed to a

fuel composition comprising a diesel fuel, ethanol and a surfactant, wherein the fuel composition contains up to 0.3% by weight of water.

Filippini et al disclose an amino alkylphenol emulsifiers for an emulsified aqueous hydrocarbon fuel wherein the fuel emulsion contains from about 1% to about 50% water (see column 4, line 67). By contrast, Applicants' invention claims a fuel composition containing up to 0.3% by weight of water. There is no teaching, suggestion or motivation in Filippini that the emulsifier disclosed therein may be used in a fuel composition containing a small (less than 0.3% by weight) amount of water. Additionally, Applicants' fuel composition is not an emulsified fuel. The composition of an aqueous hydrocarbon fuel emulsion is completely different than that of the Applicants' fuel composition, that is, the Filippini patent is directed to non-analogous art to the Applicants' present invention. Furthermore, in light of the above arguments, which highlight the deficiency of Filippini; Hawley, Wenzel and Barbour are no longer relevant prior art. Applicants' respectfully submit that the claimed invention is novel and not suggested by or obvious from the cited art and the rejection should be withdrawn.

For the foregoing reasons it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,
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